THE LEGISLATIVE ASSEMBLY OF
BRITISH COLUMBIA

Special Committee to Appoint a Merit Commissioner

Report

Second Session, Thirty-Eighth Parliament

May 2006

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LEGISLATIVE ASSEMBLY
PROVINCE OF BRITISH COLUMBIA

May 17, 2006

To the Honourable
The Legislative Assembly of the
Province of British Columbia
Victoria, British Columbia

Honourable Members:

I have the honour to present herewith the *Report* of the Special Committee to Appoint a Merit Commissioner.

The *Report* covers the work of the Committee from November 22, 2005 to May 17, 2006.

Respectfully submitted on behalf of the Committee.

John Rustad, MLA
Chair

Leonard Krog, MLA
Deputy Chair

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COMPOSITION OF THE COMMITTEE

MEMBERS

John Rustad, MLA	Chair	Prince George-Omineca
Leonard Krog, MLA	Deputy Chair	Nanaimo
Ron Cantelon, MLA		Nanaimo-Parksville
Mary Polak, MLA		Langley
Diane Thorne, MLA		Coquitlam-Maillardville

CLERK TO THE COMMITTEE

Craig James, Clerk Assistant and Clerk of Committees

COMMITTEE RESEARCHERS

Wynne MacAlpine, Research Analyst

Mary Storzer, Committee Researcher

Jonathan Fershau, Research Analyst

TERMS OF REFERENCE

On November 21, 2005, the Legislative Assembly appointed a special committee to select and unanimously recommend the appointment of a Merit Commissioner pursuant to section 5.01 of the *Public Service Act*, R.S.B.C. 1996, c. 385. The Special Committee to Appoint a Merit Commissioner was reappointed on February 20, 2006 to continue its work during the 2nd Session of the 38th Parliament.

The Committee's terms of reference specify that:

... the said Committee shall have the powers of a Select Standing Committee and in addition is empowered:

(a) to appoint of their number, one or more subcommittees and to refer to such subcommittees any of the matters referred to the Committee;

(b) to sit during a period in which the House is adjourned, during the recess after prorogation until the next following Session and during any sitting of the House;

(c) to adjourn from place to place as may be convenient; and

(d) to retain such personnel as required to assist the Committee;

and shall report to the House as soon as possible, or following any adjournment, or at the next following Session, as the case may be; to deposit the original of its reports with the Clerk of the Legislative Assembly during a period of adjournment and upon resumption of the sittings of the House, the Chair shall present all reports to the Legislative Assembly.

INTRODUCTION

The Merit Commissioner, an independent statutory officer of the Legislature appointed under the authority of the *Public Service Act*, is responsible for monitoring the application of the merit principle to public service appointments. The Merit Commissioner has two primary duties under the *Act*. The first is to conduct random audits to ensure that public service appointment processes are merit-based and that individuals appointed are properly qualified for the positions to which they were appointed. Secondly, and equally important, the Merit Commissioner is required to review the application of merit to specific appointment decisions as the third and final step in bargaining unit staffing review processes.

The *Public Service Act* gives the Merit Commissioner jurisdiction over the appointments of 19 ministries and more than 30 agencies, boards, commissions and other organizations having bargaining unit employees that are subject to the *Act* – approximately 25,000 employees in total.

A NEW STATUTORY OFFICER OF THE LEGISLATURE

Although the position of Merit Commissioner was first established in August 2001, the statutory independence of this position is new. From 2001 until the *Public Service Act* was amended in November 2005, the Merit Commissioner was part of the public service and performed two roles: that of Merit Commissioner and that of Deputy Minister of the Public Service Agency. Amendments to the *Act* in November 2005 separated the two positions and made the Merit Commissioner an independent statutory officer of the Legislature.

As a statutory officer, the Merit Commissioner's administrative relationship is with the Legislative Assembly. The Commissioner's terms of appointment, mandate and powers are established in statute and may only be amended by the Legislative Assembly.[1] The Commissioner is required to report annually to the Assembly on the activities of his or her office. The Office of the Merit Commissioner is allocated its own budget under Vote 6 of the *Estimates*, and the Commissioner must have his or her budget requests and service plans reviewed by the Assembly's Select Standing Committee on Finance and Government Services. While the Commissioner is held accountable to the Legislature in the ways just described, he or she is operationally independent from it and is not subject to its direction in carrying out the statutory duties of the Merit Commissioner.

As with the other statutory officers of the British Columbia Legislature, the Merit Commissioner's enabling legislation requires that a special committee of the Legislative Assembly unanimously recommend the appointment of a person to be the Merit

[1] The appointment, removal and remuneration provisions of statutory officers and acting statutory officers are also established in legislation, although the specific provisions of the enabling legislation for each officer vary slightly.

Commissioner for the province.[2] In order for the appointment to take effect, the Committee's recommendation must then be accepted by a majority of Members of the Legislative Assembly.

This report constitutes the recommendation of the Special Committee to Appoint a Merit Commissioner to the Legislative Assembly for the appointment of the first independent Merit Commissioner of British Columbia.

SELECTION PROCESS

The Committee conducted nine meetings for the purposes described below:

Tuesday, November 22, 2005	Organization and Planning
Thursday, February 9, 2006	Review of Selection Process
Wednesday, March 8, 2006	Organization and Planning
Wednesday, April 26, 2006	Subcommittee Candidate Screening
Tuesday, May 2, 2006	Approval of Shortlist
Tuesday, May 9, 2006	Candidate Interviews
Wednesday, May 10, 2006	Candidate Interviews
Saturday, May 13, 2006	Candidate Interviews
Wednesday, May 17, 2006	Report to the House

APPLICATIONS

From March 15 to 19, 2006, advertisements for the position of Merit Commissioner were placed in nine daily newspapers in British Columbia, and in one national newspaper.[3] Prospective applicants were asked to apply by Friday, March 31, 2006.

In response, the Committee received 102 applications for the position of Merit Commissioner. Of the applications received, 85 were from residents of British Columbia and 17 were from residents of other Canadian provinces.

The Committee created a short list of six applicants, all of whom were subsequently interviewed by the Committee.

[2] Section 5.01 (3) of the *Public Service Act*. The other statutory officers in British Columbia are the Auditor General, the Chief Electoral Officer, the Conflict of Interest Commissioner, the Information and Privacy Commissioner and the Police Complaint Commissioner.

[3] Vancouver Sun; Vancouver Province; Victoria Times Colonist; Prince George Citizen; Okanagan Saturday; Alaska Highway News; Cranbrook Daily Townsmen; Kamloops Daily News; Nanaimo Daily News; Globe and Mail.

SELECTION CRITERIA

The Merit Commissioner is responsible for making binding decisions that have implications for individual employees and managers, the broader public service, and for public confidence in the Office. Therefore the Committee agreed that the Merit Commissioner must have demonstrated impartiality, good judgment and integrity throughout his or her career. It was also important to the Committee that the successful candidate have a clear understanding of and commitment to the merit principle, an awareness of public service cultures, and knowledge of the wider community and the institutional structures within which the Merit Commissioner of British Columbia operates.

These and a number of other specific criteria provided the basis for a Position and Candidate Profile and a Screening Matrix, which were used to assess each application and each interview. To ensure consistency and fairness, each interviewed candidate was asked a standard set of 16 interview questions. These questions were also developed from the Committee's selection criteria.

RECOMMENDATION

The Committee unanimously recommends to the Legislative Assembly that Ms. Joy Illington be appointed Merit Commissioner for the Province of British Columbia, pursuant to section 5.01 (3) of the *Public Service Act*.

BIOGRAPHICAL NOTES

Joy Illington is a public sector leader with 18 years of experience in the B.C. Public Service — the last seven as a deputy minister. She has a proven record of oversight as the Chair of the Medical Services Commission, and she is an expert in administrative and procedural fairness, founded on her experience as an investigator in the Ombudsman's Office and as a lawyer in private practice.

Graduating from high school in Quesnel, B.C., she attended the University of British Columbia for her undergraduate degree and her law degree, which she received in 1977. She earned a diploma in Personal and Organizational Leadership at Royal Roads University in 2005.

Joy investigated complaints about fair public services and achieved individual and systemic resolutions in the Ombudsman's Office. As Assistant Deputy Minister in the Ministry of Aboriginal Affairs she was responsible for province-wide mandates for land claims negotiations. In 1998 she joined Cabinet Operations, where she served under four Premiers and their Cabinets as Deputy Cabinet Secretary. She also chaired the Medical Services Commission, a statutory body accountable through the review and investigation of audits for the $2.4 billion budget for publicly insured medical services. In 2005 Joy was appointed Associate Deputy Minister of Aboriginal Relations and Reconciliation, where she worked to implement government's priority of a new relationship with First Nations and Aboriginal organizations, leading up to the Kelowna Accord.

In 2005 Joy was awarded the Lieutenant Governor's Silver Medal, which recognizes the exceptional achievement of a person who has shown distinctive leadership in public administration in British Columbia.

ADVERTISEMENT

LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA

Special Committee to Appoint a Merit Commissioner
John Rustad, MLA *Chair*, Leonard Krog, MLA *Deputy Chair*

Merit Commissioner

The Merit Commissioner is a non-partisan, independent officer of the Legislature, appointed under the authority of the *Public Service Act* ([RSBC 1996] Chapter 385).
The Merit Commissioner is responsible for monitoring the application of the merit principle, articulated in the Act, to public service appointments. The Commissioner has three primary duties: to conduct random audits to ensure that appointments are merit-based and that individuals appointed are properly qualified; to review the application of merit as the final recourse for employees on specific appointment decisions; and to report annually on his or her activities as Merit Commissioner to the Legislative Assembly.

The position of Merit Commissioner is part-time. The appointment is for a term of three years and may be renewed. Remuneration for the position is consistent with guidelines for part-time chairs of independent administrative tribunals.

Applications should be received by e-mail no later than Friday, March 31, 2006. Applications will be held in confidence.

LEGISLATIVE ASSEMBLY
PROVINCE OF BRITISH COLUMBIA

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Clerk of Committees
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PUBLIC SERVICE ACT

[RSBC 1996] Chapter 385

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PART 1 — INTRODUCTORY PROVISIONS

Definitions

1 In this Act:

"**agency**" means the BC Public Service Agency continued under section 5 (1);

"**agency head**" means the head of the agency appointed under section 5 (2);

"**auxiliary employee**" means an auxiliary employee as defined in the regulations;

"**deputy minister**" means

(a) a person appointed as a deputy minister under section 12, or

(b) subject to section 14, a person who by an Act or by an order in council under that section is declared to have the status of a deputy minister;

"**employee**" means a person appointed under this Act other than a person appointed under section 15;

"**merit commissioner**" means the merit commissioner appointed under section 5.01.

Purposes of Act

2 The purposes of this Act are to

(a) facilitate the provision of service to the public in a manner that is responsive to changing public requirements,

(b) recruit and develop a well qualified and efficient public service that is representative of the diversity of the people of British Columbia,

(c) encourage the training and development of employees to foster career development and advancement,

(d) encourage creativity and initiative among employees, and

(e) promote harmonious relations of the government and employees and bargaining agents that represent employees in the public service.

Application of Act

3 Except as otherwise provided in this Act or in another Act, this Act applies

(a) to all ministries of the government, and

(b) to any board, commission, agency or organization of the government and its members or employees, to which the Lieutenant Governor in Council declares this Act, or a provision of this Act, to apply.

Consultation process

4 (1) In this section, "**consult**" means seeking advice or an exchange of views or concerns prior to the making of a decision respecting the matters that determine merit under section 8 (2) or the making of regulations under section 25.

(2) The agency must consult with representatives of the employees' bargaining agents certified under the *Public Service Labour Relations Act* with respect to

(a) the application of the matters that determine merit under section 8 (2), and

(b) regulations that may affect the employees represented by the bargaining agents that the minister intends to recommend to the Lieutenant Governor in Council under section 25.

(3) In addition, the agency may consult with employees who are not represented by the bargaining agents referred to in subsection (2) with respect to the matters referred to in that subsection that affect members of those groups.

PART 2 — AGENCY HEAD AND MERIT COMMISSIONER

BC Public Service Agency

5 (1) The division of the government known as the Public Service Employee Relations Commission is continued as the BC Public Service Agency under the administration of the minister.

(2) The Lieutenant Governor in Council must appoint, under section 12, an individual to be the agency head.

(2.1 to 2.5) [Repealed 2005-35-36.]

(3) The agency head is responsible for personnel management in the public service including but not limited to the following:

(a) advising the minister respecting personnel policies, standards, regulations and procedures;

(b) providing direction, advice or assistance to ministries in the conduct of personnel policies, standards, regulations and procedures;

(c) recruiting, selecting and appointing, or providing for the recruitment, selection and appointment of, persons to or within the public service;

(d) developing, providing, assisting in or coordinating staff training, educational and career development programs;

(e) developing, establishing and maintaining job evaluation and classification plans;

(f) acting as bargaining agent for the government in accordance with section 3 of the *Public Service Labour Relations Act*;

(g) developing, establishing and maintaining occupational health and safety programs;

(h) developing and implementing employment equity policies and programs;

(i) conducting studies and investigations respecting staff utilization;

(j) carrying out research on compensation and working conditions;

(k) developing and implementing mechanisms to ensure effective human resource planning and organizational structures;

(l) developing, implementing and maintaining a process to monitor, audit and evaluate delegations under section 6, to ensure compliance with this Act and the regulations;

(m) establishing and maintaining a personnel management information system;

(n) performing other duties assigned by the minister respecting personnel, consistent with this Act and the regulations.

(4) Subject to this Act and the regulations and on the recommendation of the agency head, the minister may issue policies respecting the matters referred to in subsection (3).

Appointment of merit commissioner

5.01 (1) The Lieutenant Governor in Council, on the recommendation of the Legislative Assembly, must appoint an individual to hold office as the merit commissioner under this Act.

(2) The merit commissioner is an officer of the Legislature and must

(a) faithfully, honestly and impartially exercise the powers and perform the duties of the office, and

(b) not divulge any information received under this Act, except if permitted by this Act.

(3) The Legislative Assembly must not recommend an individual to be appointed under subsection (1) unless a special committee of the Legislative Assembly has unanimously recommended to the Legislative Assembly that the individual be appointed.

(4) The merit commissioner is to be appointed for a term of 3 years and may be reappointed in the manner provided in this section for further 3 year terms.

(5) The merit commissioner is entitled

(a) to be paid, out of the consolidated revenue fund, compensation as may be fixed by the Lieutenant Governor in Council, and

(b) to be reimbursed for reasonable travelling and out of pocket expenses personally incurred in performing the duties of the office.

(6) The Lieutenant Governor in Council may appoint an acting commissioner if

(a) the office of commissioner is or becomes vacant when the Legislative Assembly is not sitting,

(b) the commissioner is suspended when the Legislative Assembly is not sitting,

(c) the commissioner is removed or suspended or the office becomes vacant when the Legislative Assembly is sitting, but no recommendation is made by the Legislative Assembly under subsection (1) before the end of the session, or

(d) the commissioner is temporarily absent because of illness or for another reason.

(7) An acting commissioner holds office until

(a) a person is appointed under subsection (1),

(b) the suspension of the commissioner ends,

(c) the Legislative Assembly has sat for 30 days after the date of the acting commissioner's appointment, or

(d) the commissioner returns to office after a temporary absence, whichever is the case and whichever occurs first.

Merit commissioner

5.1 (1) The merit commissioner is responsible for monitoring the application of the merit principle under this Act by

(a) conducting random audits of appointments to and from within the public service to assess whether

(i) the recruitment and selection processes were properly applied to result in appointments based on merit, and

(ii) the individuals when appointed possessed the required qualifications for the positions to which they were appointed, and

(b) reporting the audit results to the deputy ministers or other persons having overall responsibility for the ministries, boards, commissions, agencies or organizations, as the case may be, in which the appointments were made.

(2) In carrying out his or her responsibilities as merit commissioner under this section he or she must not conduct audits or issue reports in respect of the period before June 5, 2001.

(3) [Repealed 2005-35-38.]

Annual report of merit commissioner

5.2 (1) The merit commissioner must report annually, no later than May 31, to the Legislative Assembly concerning the merit commissioner's activities under this Act since the last report was made under this section.

(2) The Speaker must lay each annual report before the Legislative Assembly as soon as practicable, if it is in session.

(3) If the Legislative Assembly is not in session on the date of the annual report, or within 10 days after that date, the annual report must be promptly filed with the Clerk of the Legislative Assembly.

(4) The report of the merit commissioner under this section must not disclose

(a) personal information, as defined in Schedule 1 of the *Freedom of Information and Protection of Privacy Act*, relating to individuals who applied for or were appointed to positions in the public service, or

(b) the identity of persons who participated on behalf of the ministries, boards, commissions, agencies or organizations, as the case may be, in the selection of the individuals appointed to positions in the public service.

Expenses of merit commissioner

5.3 The merit commissioner may make a special report to the Legislative Assembly if the merit commissioner believes that the amounts and establishment provided for the office of merit commissioner in the estimates are inadequate for fulfilling the duties of the office.

Delegation

6 Subject to the regulations, the agency head may

(a) delegate any of his or her powers, duties or functions under this Act or the regulations to an employee of the agency,

(b) with respect to employees of a ministry or a board, commission, agency or organization to which this Act applies, delegate any of his or her powers, duties or functions under this Act or the regulations to

(i) a deputy minister or other employee of the ministry, or

(ii) a member, officer or employee of the board, commission, agency or organization,

(c) delegate dismissal authority under section 22 (2)

(i) to an assistant deputy minister or an employee who has an equivalent classification level to an assistant deputy minister, and

(ii) to a member or officer of a board, commission, agency or organization to which this Act applies,

(d) establish conditions, standards or requirements for any delegation, and

(e) amend, replace or revoke any delegation made under this section.

Access to facilities and records

7 For the purposes of carrying out their duties under this Act, the agency head and merit commissioner are entitled to access to

(a) ministries,

(b) boards, commissions, agencies and organizations that are declared to be subject to this section under section 3, and

(c) records, of ministries or of those boards, commissions, agencies and organizations, containing information pertinent to those duties or to personnel matters.

PART 3 — APPOINTMENTS TO THE PUBLIC SERVICE

Appointments on merit

8 (1) Subject to section 10, appointments to and from within the public service must

(a) be based on the principle of merit, and

(b) be the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants.

(2) The matters to be considered in determining merit must, having regard to the nature of the duties to be performed, include the applicant's education, skills, knowledge, experience, past work performance and years of continuous service in the public service.

(3) Regulations, policies and procedures with respect to recruitment, selection and promotion must facilitate

(a) opportunities for external recruitment and internal advancement to develop a public service that is representative of the diversity of the people of British Columbia, and

(b) the long term career development and advancement of employees appointed under this Act.

(4) Subject to the regulations, the agency head may direct in respect of a vacancy or class of vacancies in the public service, that applicants be

(a) limited or given preference in a manner intended to achieve employment equity objectives,

(b) limited to employees to encourage career development and advancement,

(c) limited to employees of a stated occupational group, position level or organizational unit, or

(d) limited to a stated geographical area or locale.

Probation

9 (1) If a person who is not an employee is appointed to a position in the public service, the person is on probation until he or she has worked the equivalent of 6 months' full time employment.

(2) If the appointment is made from within the public service, a probation period in the new position not exceeding the equivalent of 6 months' full time employment may be imposed.

(3) A deputy minister or the agency head may reject an employee during the probation period if the deputy minister or agency head considers that the employee is unsuitable for employment in the position to which he or she was appointed.

Exceptions to section 8

10 Subject to the regulations

(a) section 8 (1) does not apply to an appointment that is a lateral transfer or a demotion, and

(b) section 8 (1) (b) does not apply to the following:

(i) a temporary appointment of not more than 7 months in duration;

(ii) an appointment of an auxiliary employee;

(iii) a direct appointment by the agency head in unusual or exceptional circumstances.

Repealed

11 [Repealed 2003-88-10.]

Deputy ministers

12 (1) The Lieutenant Governor in Council may appoint deputy ministers, associate deputy ministers and assistant deputy ministers.

(2) An associate deputy minister has all the powers of a deputy minister.

(3) Sections 5.1, 8 and 18 do not apply to appointments under this section.

Deputy ministers' pensions

13 (1) Subject to subsection (2), when calculating the amount of a pension under the Public Service Pension Plan, continued under the *Public Sector Pension Plans Act*, each year of service as a deputy minister must be counted as 1 1/2 years of pensionable service.

(2) Subsection (1) does not apply

(a) to a person appointed as a deputy minister on or after September 1, 2001, or

(b) to a person holding the position of acting deputy minister.

(2.1) Despite subsection (2) (a), subsection (1) continues to apply to a person who is a deputy minister before September 1, 2001 and is reappointed as a deputy minister on or after that date as long as there is no break in service as a deputy minister.

(3) Despite the accrual of 35 years of pensionable service, contributions to the Public Service Pension Plan must continue for each additional year of service up to 35 years of contributory service.

Declaration of deputy minister status

14 The Lieutenant Governor in Council may declare that a person has the status of a deputy minister and may set terms and conditions of employment, including remuneration, for that person and specify which sections of this Act or the regulations apply to that person.

Appointment by Lieutenant Governor in Council

15 (1) The Lieutenant Governor in Council may appoint persons the Lieutenant Governor in Council considers

(a) will be acting in a confidential capacity to the Lieutenant Governor, Executive Council or a member of the Executive Council, or

(b) will be appointed to a position that requires special professional, technical or administrative qualifications.

(2) A person referred to in subsection (1) (a) or (b) may be appointed by the Lieutenant Governor in Council on terms and conditions, including remuneration, authorized by the Lieutenant Governor in Council or set out in the regulations.

(3) This Act, other than subsections (1) and (2) and sections 21 and 25 (3), does not apply to a person appointed under this section.

PART 4 — REVIEW OF STAFFING DECISIONS

Definitions

16 In this Part, "**deputy minister**" means,

(a) with respect to a position in a ministry, the deputy minister of that ministry, and

(b) with respect to a position with a board, commission, agency or organization, the person having overall responsibility for the board, commission, agency or organization.

Request for feedback on staffing decision

17 (1) An employee who is an unsuccessful applicant for an appointment to the public service may, within the prescribed time, request from the individual responsible for the appointment an explanation of the reasons why he or she was not appointed.

(2) The responsible individual must provide an explanation as soon as practicable after receiving a request under subsection (1).

Inquiry into staffing decision

18 (1) An employee who has made a request under section 17 may request an inquiry into the application of section 8 (1) with respect to the appointment.

(2) A request under subsection (1) must be made within the prescribed period to the deputy minister responsible for the position and must include a detailed statement specifying the grounds on which the request is made.

(3) The deputy minister who receives an application under subsection (1), or a person designated by the deputy minister, must inquire into the appointment and confirm the

appointment or proposed appointment or direct that the appointment or proposed appointment be reconsidered.

Review by merit commissioner

19 (1) An employee who is an unsuccessful applicant for an appointment to a position in a bargaining unit under the *Public Service Labour Relations Act* who has made a request under section 18 and disagrees with the decision of the deputy minister or designate under that section may request a review of the appointment by the merit commissioner on the ground that section 8 (1) has not been complied with.

(2) A request under subsection (1) must be made in writing within the prescribed period to the merit commissioner and may only be based upon the grounds submitted to the deputy minister under section 18 (2).

(3) Subject to the regulations, the merit commissioner must establish the procedure for the expeditious consideration of requests for reviews under subsection (1).

(4) If an applicant requests a review under subsection (1), the merit commissioner must, before undertaking the review, inform the deputy minister of the review.

(5) The merit commissioner may summarily dismiss a request for a review under subsection (1) if

(a) the request for review is not made within the time limit prescribed under subsection (2),

(b) the merit commissioner considers that the request for review is frivolous, vexatious or trivial or is not made in good faith,

(c) the request for review does not contain sufficient information to determine whether section 8 (1) has been complied with, or

(d) the grounds, even if proven, are not sufficient to establish that section 8 (1) has not been complied with.

(6) After conducting a review, the merit commissioner may

(a) dismiss the review, or

(b) direct that the appointment or the proposed appointment be reconsidered.

(7) This section does not apply with respect to an appointment to the public service that is referred to in section 10.

Inquiry Act

20 For the purpose of a review under section 19, the merit commissioner has the protection, privileges and powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act.*

Decision final

20.1 A decision of the merit commissioner under section 19 is final and binding.

PART 5 — MISCELLANEOUS

Oaths

21 A person appointed to the public service and a person appointed under section 15 must swear or affirm an oath in the prescribed form.

Dismissal and suspension of employees

22 (1) The agency head, a deputy minister or an employee authorized by a deputy minister may suspend an employee for just cause from the performance of his or her duties.

(2) The agency head, a deputy minister or an individual delegated authority under section 6 (c) may dismiss an employee for just cause.

Retirement

23 Unless otherwise provided by the Lieutenant Governor in Council, retirement is compulsory for all employees who reach 65 years of age, and the effective date of retirement is the first day of the month next following that in which the anniversary of the date of birth occurs.

Annual report

24 The minister must lay before the Legislative Assembly as soon as practicable, a report for the fiscal year ending March 31 respecting the work of the agency.

Power to make regulations

25 (1) On the recommendation of the minister, the Lieutenant Governor in Council may make regulations respecting government personnel management, including regulations respecting the following:

(a) the definition of "auxiliary employee" in section 1;

(b) recruitment, selection and appointment of staff including standards and procedures respecting advertising vacancies and who may apply for those vacancies;

(c) probation periods for employees who are appointed to positions in the public service;

(d) health and safety of employees;

(e) terms and conditions of employment;

(f) job evaluation and classification;

(g) standards of employee conduct;

(h) all matters respecting discipline, suspension and dismissal of employees;

(i) monitoring and auditing of all personnel functions.

(2) Regulations under subsection (1)

(a) may be different for different categories of employees, and

(b) may be made retroactive to a date not earlier than the date this section comes into force, and if made retroactive are deemed to have come into force on that date.

(3) The Lieutenant Governor in Council may make regulations respecting the terms and conditions of employment of persons appointed under section 15.

(4) The Lieutenant Governor in Council may make regulations respecting inquiries and reviews under Part 4 including regulations respecting the manner of applying for an inquiry under section 18 or a review under section 19 and the time limits for those applications.

(5) [Repealed 2003-88-12.]

Transitional — deputy ministers' pensions

26 (1) Despite section 13, section 4.1 of the *Public Service Act*, S.B.C. 1985, c. 15, continues to apply with respect to a person who became a deputy minister before November 5, 1991 and to whom the section would otherwise have applied.

(2) For greater certainty, a deputy minister appointed on or after September 1, 2001 has no claim for payment of compensation because he or she is ineligible for the benefit provided under section 13 (1).